



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/169632

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 23, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Portage County Department of Human Services in regard to Child Care, a hearing was held on November 24, 2015, at Stevens Point, Wisconsin.

The issue for determination is whether the county correctly denied child care after petitioner's August, 2015, application.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, Wisconsin 53703

By: [REDACTED]  
Portage County Department of Human Services  
817 Whiting Avenue  
Stevens Point, WI 54481-5292

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs (telephonically)  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Portage County.
2. Petitioner applied for child care assistance on August 17, 2015. Because petitioner was not at that time participating in an approved activity, her application was not immediately processed.

3. On August 27, 2015, petitioner called to report that she would be starting work study on September 4, 2015; she request to have application processed and an interview was scheduled for September 22, 2015.
4. On September 23, 2015, the county requested a number of items of verification including pay stubs from the last 30 days for petitioner's husband (or a statement from the employers with income information). The due date was October 1, 2015.
5. The verification was not received by October 1, 2015. On October 2, 2014, the county notified petitioner that child care assistance was denied because she did not provide verification.
6. Petitioner's husband's Employer Verification Form was received by the respondent on October 5, 2015. Petitioner was advised by the respondent that her application was denied, and that she would need to reapply. She reapplied and was found eligible for Child Care benefits.
7. Petitioner appealed the denial of her September, 2015, Child Care application on October 23, 2015.

### **DISCUSSION**

Wis. Stat., §49.155 authorizes the department to operate a child care subsidy for Wisconsin Works (W-2) recipients and working caretakers. The department has a Child Day Care Manual that provides the specific policies for the program.

To determine child care eligibility, the worker may request verification of certain items. Child Day Care Manual, Part 1.7.0. It is the applicant's responsibility to provide the verification. Id., §1.7.3. If verification is unduly burdensome, the process can be extended for up to thirty days. Id., §1.7.5. Failure to provide verification is a reason to deny the application. Id., §1.7.7.

In a new application where verification is not received timely, the county must send a notice denying eligibility and telling the applicant that verification is missing. Manual, §1.3.4. If verification is then received within 30 days of the last day of the application month, authorization can go as far back as the last Sunday of the month prior to the application month. §1.7.6 of the Manual provides as follows:

If the applicant has made a reasonable effort and cannot obtain the information, the application must not be denied based upon the information that could not be obtained. Instead, the agency must use the available information to process the case and then reassess the case when the requested information is received.

Petitioner's husband's verification was due October 1, 2015, but was not received until October 5, 2015. More than 30 days passed since the last day of her application month, so her application was denied. The petitioner admits that she misunderstood the application process. I understand how this happened because public assistance rules are complicated—even for those who deal with them constantly. Still, I have no equitable powers that would allow me to consider the fairness of the situation and must follow those rules as they are written. The petitioner did not timely submit the requested verification, and it was her responsibility to do so. Therefore, I must uphold its decision.

### **CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's August, 2015, Child Care benefit application due to failure to timely supply requested verification information.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

**REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

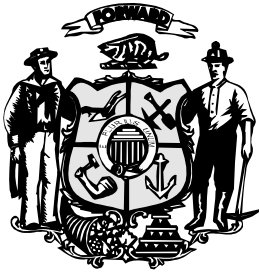
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 19th day of February, 2016.

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\sPeter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 19, 2016.

Portage County Department of Human Services  
Child Care Benefits